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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,096	03/31/2004	Ying Yu Kuo	2519-0295PUS1	5658
2292 7590 03/06/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER ZUBAJLO, JENNIFER L.	
			ART UNIT 2629	PAPER NUMBER
			NOTIFICATION DATE 03/06/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No. 10/813,096	Applicant(s) KUO ET AL.	
	Examiner JENNIFER ZUBAJLO	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2008 and 26 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1 and 7 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. New matter is disclosed in claims 1 and 7: "a wireless human transmitting device unequipped with non-volatile memory", "using a micro controller of the wireless human transmitting device unequipped with non-volatile memory", and "once power is provided to said wireless human transmitting device" is not described in disclosure as originally filed. No support is found in the specification for this new matter. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

Claim Rejections - 35 USC § 103

3. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Philippe Junod (Patent Number 5,854,621) in view of Shigenobu Maeda (Pub. No.: US 2004/0005052 A1), further in view of Yoon Kean Wong (US 2003/0160767 A1).

As to claims 1 and 7, Junod teaches a wireless human input system and method, comprising: a wireless human receiving device, wherein said wireless human receiving device is connected to a computer (see Abstract, column 2 lines 51-56, column 5 lines

40-47); a wireless human transmitting device (see column 2 lines 19-21, column 5 lines 40-47), at least further including a micro controller (inherent that a computer will have a CPU which will have a microcontroller) for automatically generating said predetermined identification code (see column 9 lines 8-17), wherein said wireless human transmitting device is transmitting at least a packet containing said predetermined identification code to said wireless human receiving device once power is provided to said wireless human transmitting device being set up for the first time (see Abstract and note that it is obvious that transmission would occur when power is provided to the device).

Junod doesn't directly teach a non-volatile memory for storing a predetermined identification code, a transmitting device excluding a non-volatile memory, and a plurality of program codes, being executed by said computer for detecting if said wireless human receiving device can receive normally for reading said non-volatile memory of said wireless human receiving device in case of normal receiving being detected, comparing the predetermined identification code to said read data and outputting a message of said wireless human input device being normally operated if a result being true after comparison; whereby, after completing the first time set-up, an user of said wireless human transmitting device and said wireless human receiving device can confirm said wireless human transmitting device and said wireless human receiving device having been normally set up already via said output message of said computer.

Maeda teaches including a non-volatile memory for storing a predetermined identification code (see figures 7 & 8 and [0015] & [0219]-[0220]) and a plurality of

program codes, being executed by said computer for detecting if said wireless human receiving device can receive normally for reading said memory of said wireless human receiving device in case of normal receiving being detected, comparing the predetermined identification code to said read data and outputting a message of said wireless human input device being normally operated if a result being true after comparison (see Abstract, [0019], [0021], [0055], and [0334]); whereby, after completing the first time set-up, a user of said wireless human transmitting device and said wireless human receiving device can confirm said wireless human transmitting device and said wireless human receiving device having been normally set up already via said output message of said computer (see [0335] and [0337]).

Maeda doesn't directly teach a transmitting device excluding a non-volatile memory.

Wong teaches a transmitting device excluding a non-volatile memory (see [0024]-[0027] and note that [0025] states that memory 124 can be any form RAM (which is non volatile) or ROM (which is volatile and therefore would exclude non-volatile)).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the exclusion of non-volatile memory in a transmitting device taught by Wong into the system and method for automatically generating a predetermined identification code via a wireless human receiving device connected to a computer and a wireless human transmitting device taught by Junod combined with a non-volatile memory for storing the predetermined identification that can be changed by user and used for detection of normal receiving by comparing the

predetermined identification code to read data and outputting a message of normal operation if a result of true after comparison taught by Maeda. This combination would have been obvious in order to provide a high technical barrier against the misuse of the identification code.

As to claims 2 and 8 (dependent on 1 and 7 respectfully), Junod teaches output message to be shown on a display (see [0335] and [0337]).

As to claims 3, 4 (dependent on 1) and 9, 10 (dependent on 7), Junod teaches the wireless human transmitting device to be one of a wireless mouse transmitting device, a wireless keyboard transmitting device, a wireless joy stick transmitting device and a wireless pointing transmitting device (see column 3 lines 2-9, column 4 lines 13-19) and the wireless human receiving device to be one of a wireless mouse receiving device, a wireless keyboard receiving device, a wireless joy stick receiving device and a wireless pointing receiving device (column 2 lines 51-56).

As to claims 5 and 6 (dependent on 1) and 11, 12 and 13 (dependent on 7), Junod teaches new identification code automatically generated from micro controller (inherent that a computer will have a CPU which will have a microcontroller) of wireless human transmitting devices (see column 9 lines 8-17).

Junod doesn't teach a system and method that use program codes to direct user to change a new identification code number different from said predetermined

identification code, wherein the memory of the wireless human receiving device is used for storing said new identification code or allowing the memory of the human receiving device to store the predetermined identification code via executing said program codes by the computer.

Maeda teaches a system and method that use program codes to direct user to change a new identification code number different from said predetermined identification code, wherein the memory of the wireless human receiving device is used for storing said new identification code and allowing the memory of the human receiving device to store the predetermined identification code via executing said program codes by the computer (see [0015], [0025], [0057], & [0219]-[0220] and figures 7 & 8).

Response to Arguments

4. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER ZUBAJLO whose telephone number is (571)270-1551. The examiner can normally be reached on Monday-Friday, 8 am - 5 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on (571) 272-7674. The fax phone

Art Unit: 2629

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JZ
2/29/08


AMARE MENGISTU
SUPERVISORY PATENT EXAMINER